

### REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed March 19, 2008. At the time of the Final Office Action, Claims 23-40 were pending in this Application. Claims 23-40 were rejected. Claims 23, 27-31, and 35-40 have been amended. Applicants respectfully request reconsideration and favorable action in this case.

#### **Rejections under 35 U.S.C. §103**

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Even if each limitation is disclosed in a combination of references, however, a claim composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). Rather, the Examiner must identify an apparent reason to combine the known elements in the fashion claimed. *Id.* "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.*, citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Finally, the reason must be free of the distortion caused by hindsight bias and may not rely on ex post reasoning. *KSR*, 127 S.Ct. at 1742. In addition, evidence that such a combination was uniquely challenging or difficult tends to show that a claim was not obvious. *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007), citing *KSR*, 127 S.Ct. at 1741.

#### **Claims 23, 31, 39, and 40 are Patentably Distinct Over the Cited Reference(s)**

Claims 23-28, 30-36 and 38-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,101,393 issued to Vladimir Alperovich *et al.* ("*Alperovich*") in view of U.S. Patent Application Publication No. 2002/0110227 by James Carlton Bedingfield *et al.* ("*Bedingfield*"). In light of the above claim amendments, Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

*Alperovich* fails to teach or suggest all the elements of Claims 23-40. For example, amended independent Claim 23 recites:

receiving a message from an anonymous sender at a service provider;  
transmitting the message and an identification signal from the service provider to a recipient serviced by the service provider;  
receiving a request from the recipient to the service provider, the request comprising at least the identification signal if the recipient wants to have the sender of the message put on a list of exclusions; and  
adding the sender to the list of exclusion based at least on the identification signal, wherein the identification signal includes a reference to a storage location of a message URI and a message identification element Message-ID

*Alperovich* discloses “[s]elective acceptance of short messages enables a cellular subscriber to *predetermine* which short message will actually be delivered.” (Abstract, Emphasis added). Referring to FIG. 5, *Alperovich* discloses receiving an SMS (in step 500). Based on the SMS selection criteria selected (steps 510, 520, and 530) the origin (determined in step 505), the SMS may be compared to the *predetermined* acceptance/rejection list (steps 522, 532), and the message may subsequently be rejected (step 542) or delivered (step 550). See Column 5, Lines 22-50. *Alperovich* discloses delivering a message *after* examining the origin of the message and comparing the origin to acceptance and/or rejection list. For example, if the origin of the SMS is from a sender that is not on the acceptance list (*e.g.*, an anonymous sender) then the SMS is not delivered to the recipient (*e.g.*, steps 522, 536, and 542). In another example, if the origin is allowed, the SMS message is delivered (*e.g.*, steps 522, 534, 550). However, *Alperovich* fails to teach or suggest (a) transmitting the message and an identification signal from the service provider to a recipient serviced by the service provider.

*Alperovich* further discloses “[t]o change SMS delivery-selection criteria or add or remove MSISDN numbers from either respective list, 220 or 230, a subscriber simply initiates an update routine directly from the MS 20.” It appears that the update of the predetermined list is independent of any received message from a sender. Thus, *Alperovich* fails to teach or suggest (b) receiving a request from the recipient to the service provider, *the request comprising at least the identification signal if the recipient wants to have the sender*

*of the message put on a list of exclusions; and (c) adding the sender to the list of exclusion based at least on the identification signal, wherein the identification signal includes a reference to a storage location of one a message URI and a message identification element Message-ID, as recited in Claim 23.*

*Bedingfield* also fails to teach or suggest elements of Claim 23 recited above. Referring to FIG. 2, *Bedingfield* discloses a voice mail system that allows a subscriber to send a voice message to a recipient. The call placed by the subscriber “is routed to the appropriate VMS 12,” and is never *received by a service provider* nor is the call *transmitted to the recipient by the service provider*, as recited in Claim 23. Further, *Bedingfield* does not provide any disclosure for adding the subscriber to an exclusion list. *Bedingfield* only discloses blocking all messages from any anonymous subscriber. *See* Column 5, Paragraph [0067].

Thus, none of the cited references, alone or in combination, teaches the elements of amended Claim 23 recited above.

As another example, amended Independent Claim 39 recites:

A method for blocking undesirable messages in a mobile radio system, the method comprising:  
receiving a message from a sender at a service provider;  
transmitting the message and an identification signal from the service provider to a recipient serviced by the service provider, the identification signal comprising an alias name for the sender;  
receiving a request from the recipient to add the sender to a list of exclusions, wherein the request comprises at least the identification signal;  
and  
based at least on the identification signal, adding the sender to the list of exclusions.

Neither *Alperovich* nor *Bedingfield*, alone or in combination, teach or suggest (a) receiving a message from a sender at a service provider; (b) transmitting the message and an identification signal from the service provider to a recipient serviced by the service provider; (c) receiving a request from the recipient to add the sender to a list of exclusions, wherein the request comprises at least the identification signal; and (d) based at least on the identification

signal, adding the sender to the list of exclusions, for at least the reasons discussed above regarding amended Claim 23.

For at least the reasons discussed above, Applicants respectfully request reconsideration and allowance of amended independents Claim 23 and 39 and all claims that depend therefrom. In addition, for analogous reasons, Applicants request reconsideration and allowance of amended independent Claims 31 and 40 and all claims that depend therefrom.

Claims 29 and 37

Claims 29 and 37 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Alperovich* in view of *Bedingfield* and further in view of U.S. Patent Application Publication No. 2002/0044634 by Michael Rooke et al. ("*Rooke*"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

As noted above, *Alperovich* and/or *Bedingfield* fail to teach or suggest all the elements of amended independent Claims 23 and 31. *Rooke* also fails to teach or suggest (a) receiving a message from a sender at a service provider; (b) transmitting the message and an identification signal from the service provider to a recipient serviced by the service provider; (c) receiving a request from the recipient to add the sender to a list of exclusions, wherein the request comprises at least the identification signal; and (d) based at least on the identification signal, adding the sender to the list of exclusion, as recited in Claim 23 and similarly recited in Claim 31.

For at least these reasons, Claim 23 and its dependent claims including Claim 29 and Claim 31 and its dependent claims including Claim 37 are patentably distinct over the cited reference(s). Applicants respectfully request reconsideration and allowance of Claims 23 and 39 and all claims that depend therefrom.

**Request for Continued Examination (RCE)**

Applicants respectfully submit a Request for Continued Examination (RCE) Transmittal, along with a Petition for Extension of Time. The Commissioner is authorized to charge any fees required to Deposit Account 50-2148 in order to effectuate these filings.

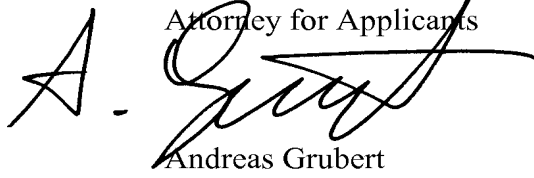
**CONCLUSION**

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no additional fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorney for Applicants

A handwritten signature in black ink, appearing to read 'A. Grubert', is written over the typed name and firm name.

Andreas Grubert  
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Date: July 21, 2008

**SEND CORRESPONDENCE TO:**

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